state." The state conveyed land to the plaintiff for value by letters patent, which, by express terms, should "in no case operate as a warranty of title." The title proving invalid, a special enactment conferred jurisdiction on the Court of Claims to determine the plaintiff's claim for damages and to enter judgment therefor. *Held*, that the enactment is constitutional although it authorizes a judgment for the plaintiff notwithstanding the lack of warranty. *Wheeler* v. *State of New York*, 190 N. Y. 406.

This decision affirms the decision of the lower court, commented upon in 18 HARV. L. REV. 465.

CONSTITUTIONAL LAW — PERSONAL RIGHTS — ACT REQUIRING WEEKLY PAYMENT OF EMPLOYEES OF CORPORATION IN MONEY. — A statute required corporations engaged in certain enumerated classes of business to pay their employees in money each week. *Held*, that the statute is constitutional. *Lawrence* v. *Rutland R. Co.*, 67 Atl. 1091 (Vt.).

The court seemingly relies on the state's reserved power to alter corporate charters, though it also mentions the quasi-public character of the corporations involved. The constitutionality of such legislation has been the subject of much conflict. It has been upheld variously as an exercise of the reserved power to amend, or of the broader police power. *State* v. *Browne, etc., Mfg. Co.*, 18 R. I. 16; *Opinion of the Justices*, 163 Mass. 589; *contra, Republic Iron & Steel Co.* v. *State*, 66 N. E. 1005 (Ind.). In reality the considerations justifying the exercise of these two powers seem the same; both, in essence, look to the interest of the public. The liberty to contract is fundamental, but it is neither absolute nor universal; in a conflict, inevitable at times, with the public welfare, the latter, if clear, is paramount. See *Frisbie* v. *United States*, 157 U. S. 160, 165. And it is not inconceivable that a "weekly payment" act, or a "truck" act, or a combination of the two, as in the present case, may be necessary because of local industrial conditions. See 19 HARV. L. REV. 62. That, of course, is a question of fact, and the sole concern of the court is with the reasonableness of the legislative determination of this question in the light of the conflict of rights.

CONSTITUTIONAL LAW — WHO MAY SET UP UNCONSTITUTIONALITY — OFFICIAL INTEREST NOT SUFFICIENT TO RAISE FEDERAL QUESTION. — A county court refused to assess a tax in accordance with a state statute. In *mandamus* proceedings the highest court of the state declared the statute to be constitutional. The county court appealed to the United States Supreme Court. *Held*, that since the interest of the appellant is official and not personal there is no federal question involved. *Braxton County Court* v. *West Virginia*, 208 U. S. 192. See NOTES, p. 438.

CONTEMPT — POWER TO PUNISH FOR CONTEMPT — POWER OF APPELLATE COURT TO PUNISH VIOLATION OF INJUNCTION PENDING APPEAL. — Pending an appeal from a judgment of the lower court granting a perpetual injunction, the defendant violated the decree. *Held*, that the appellate court is the proper tribunal to punish the contempt. *Menuez* v. *Grimes Candy Co.*, 83 N. E. 82 (Oh.).

When an appeal is taken from a decree of the lower court dissolving an injunction and the upper court grants a *supersedeas* operating as a revival of the injunction, it has been held that the upper court should punish violations thereof. *State* v. *Bridge Co.*, 16 W. Va. 864. In that case it is the upper court which makes the injunction operative. But when a perpetual injunction has been granted in the lower court, the perfecting of an appeal, according to the great weight of authority, does not destroy the operative force of the injunction. *Leonard* v. *Ozark Land Co.*, 115 U. S. 465. Pending such an appeal the upper court merely leaves the decree of the lower court in full force. *State* v. *Harness*, 42 W. Va. 414. By the appeal the lower court is merely deprived of the power to take further affirmative action. See *Sixth Ave. R. Co.* v. *Gilbert El. R. Co.*, 71 N. Y. 430. It may still take steps necessary to preserve the *status quo*. *Hinson* v. *Adrian*, 91 N. C. 372. Hence it would seem that,